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**U.S. Patent & Trademark Office  
Patent Examining Operations**

Re. Application No. ~~10/772/536~~ 10772535  
Filed 2/6/04  
Examiner Frantz F. Jules  
Art Unit 3617  
Conf. No. 5402

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Follow up regarding a letter by M.L. Lukacher, Esq. (R.N. 17788) concerning a Notice of Abandonment of the subject application by Matzan, Eugene, who is a client of mine. I work with Mr. Lukacher in matters of patents.

My client and I would much appreciate if you would respond to our Petition to Revive. Looking forward to hearing from you.

Respectfully,

*Alexander E. Martens*

Cc M.L. Lukacher.

Enclosure: A copy of Response of 6/25/05  
A copy of the Notice of Abandonment  
A copy of the postcard confirming delivery to the PTO



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THIS IS TO CONFIRM THE RECEIPT  
THE PETITION TO REVIVE APPLI-  
CATION 10/772/536. 10772535  
THANK YOU.





**US Patent & Trade Mark Office  
Patent Examining Operation**

Re. Application No. ~~10/772/536~~ 10772535  
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**Response to Action of 5/15/06 and Petition to Revive**

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir,

Please revive the above application since the action of 6/22/05 was responded to on 9/6/05. A copy of the Response is enclosed.

The response was apparently mishandled in the mails or at the PTO and did not reach the Examiner. Applicant was not at fault.

Respectfully,

M.L. LuKacher  
R.N. 17788

Enclosures: A copy of Response of 6/25/05  
A copy of the Notice of Abandonment

I mailed the Response & enclosure to the above address on 9/6/05 by first class mail.

M.L. Lukacher



# UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 25 2006

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,535	02/06/2004	Eugene Matzan		5402

7590

05/15/2006

UPSTATE CTC  
63 WINDING CREEK LANE  
ROCHESTER, NY 14625

EXAMINER

JULES, FRANTZ F

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



# Notice of Abandonment


Application No.	Applicant(s)	
10/772,535	MATZAN, EUGENE	
Examiner	Art Unit	
Frantz F. Jules	3617	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 June 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

FRANTZ F. JULES  
PRIMARY EXAMINER

  
Frantz F. Jules  
Primary Examiner  
Art Unit 3617

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.